

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

**RECEIVED**

**FEB 26 1996**

In the Matter of )

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

Amendment of Part 97 of )  
the Commission's Rules Governing )  
the Amateur Radio Service to )  
Facilitate Spread Spectrum )  
Communications )

RM-8737

DOCKET FILE COPY ORIGINAL

**COMMENTS OF THE MANAGER  
OF THE NATIONAL COMMUNICATIONS SYSTEM**

The Secretary of Defense, Executive Agent of the National Communications System (NCS)<sup>1</sup>, through duly authorized counsel, pursuant to Section 201 of the Federal Property and Administrative Services Act of 1949, 40 U.S.C. 481, and the Memorandum of Understanding

---

<sup>1</sup>Executive Order No. 12472, "Assignment of National Security and Emergency Preparedness Telecommunications functions," April 3, 1984 (49 Fed. Reg. 13471, 1984), established the National Communications System, which consists of an administrative structure involving the Executive Agent, Committee of Principals, Manager and the telecommunications assets of the federal organizations which are represented on the Committee of Principals. Section 1(e) of EO 12472 designates the Secretary of Defense as Executive Agency for the NCS. By direction of the Executive Office of the President (EOP), the NCS member organizations (which are represented on the Committee of Principals) are; Department of Agriculture, Central Intelligence Agency, Department of Commerce, Department of Defense, Department of Energy, Federal Emergency Management Agency, General Services Administration, Department of Justice, National Aeronautics and Space Administration, the Joint Staff, Department of State, Department of Transportation, Department of the Treasury, U.S. Information Agency, the Department of Veterans Affairs, Department of Health and Human Services, Department of the Interior, National Security Agency, the National Telecommunications and Information Administration and the Nuclear Regulatory Commission. The Federal Communications Commission, the United States Postal Service and Federal Reserve Board also participate in the activities of the NCS. The vast majority of the telecommunications assets of these 23 organizations are leased from commercial communications carriers and serve the NS/EP needs of the Federal government as well as state and local governments.

No. of Copies rec'd 044  
List ABOVE WT

between the General Services Administration dated November 27, 1950, hereby files these comments in response to the Petition for Rulemaking filed by the American Radio Relay League, Inc. (the "League") on December 12, 1995. The League has proposed amendments to Commission Rules and Regulations to facilitate, to a greater extent than is done by the present rules, the contributions of the Amateur Service to the development of spread-spectrum communications. In its Petition, the League recites the development of the Commission's policy allowing the Amateur Service to utilize spread-spectrum technology but believes that lack of flexibility in the existing Commission Rules have not permitted such use to develop to its highest potential. According to the League:

"The experiences of amateurs pursuant to these past Special Temporary Authorities indicate that the present rules include certain significant limiting factors which could be liberalized without detracting at all from other narrow-band amateur communications"<sup>2</sup>

The specific rule changes proposed by the League are set forth in the Appendix to the Petition and the rationale for their adoption is contained in the Petition itself. The proposed changes would (1) permit brief test transmissions using spread-spectrum emissions; (2) permit international spread-spectrum communications between United States' amateurs and amateurs in countries that permit amateur use of those emissions; (3) delete unnecessary restrictions on spreading codes and repetitive definitions of "harmful interference"; and (4) provide for automatic power control to insure use of minimum necessary power to conduct spread-spectrum communications.

The Secretary of Defense, for the Department of Defense and in his capacity as Executive Agent of the NCS, has historically filed comments in Commission proceedings in support of the

---

<sup>2</sup> Petition, paragraph 6

activities of amateur radio licensees.<sup>3</sup> The comments typically recite the value of amateur radio operators as a resource to be utilized by the NCS in carrying out its National Security and Emergency Preparedness (NS/EP) responsibilities. They also cite the June 2, 1983 Memorandum of Understanding between the NCS and the League, which established a broad framework of cooperation and a close working relationship with amateur operators for national emergency communications functions.

As stated on page 1 of the Petition, “The purpose of the proposed rule changes is to facilitate, to a greater extent than is done by the present rules, the contributions of the Amateur Service to the development of spread-spectrum communications.” The Manager has examined the proposed rule changes and agrees that they will produce the intended effect.

The Manager notes that while the League questions the practicality of Section 97.119(b)(5) of the Rules (which contains the CW identification requirement for spread-spectrum communications), it does not propose a modification thereto. (Petition, footnote 7.) The Manager proposes that the requirements be deleted. To the best of the knowledge of the Manager, no currently available Commercial Off the Shelf (COTS) SPREAD-SPECTRUM equipment complies with the rule. Deletion of the requirement will likely lead to increasingly available COTS equipment for amateur use of spread-spectrum technology and concurrent increased usage.

### CONCLUSION

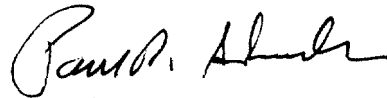
The Manager supports the changes proposed by the League and in addition, suggests the

---

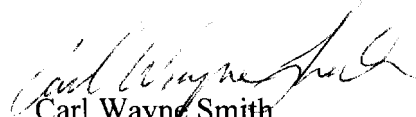
<sup>3</sup>See, for example, Manager’s Comments in Docket 87-14 and in RM-7747.

deletion of Section 97.119(b)(5) of the Commission's rules.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul R. Schwedler".

Paul R. Schwedler  
Deputy Chief Regulatory Counsel  
(703) 607-6092

A handwritten signature in black ink, appearing to read "Carl Wayne Smith".

Carl Wayne Smith  
Chief Regulatory Counsel,  
Telecommunications, DOD  
Code RGC  
Defense Information Systems Agency  
701 S. Courthouse Road  
Arlington, VA. 22204

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing "Comments of the Manager of the National Communications System" were sent, postage prepaid, this 26th day of February, 1996 to:

Christopher M. Imlay, Esq.  
Booth, Freret & Imlay, P.C.  
1233 20th Street, N.W.  
Suite 204  
Washington, D.C. 20036

A handwritten signature in cursive script that reads "Ann L. O'Keefe".

Ann O'Keefe